

Senate, March 25, 1998. The Committee on Planning and Development reported through SEN. COLEMAN, 2nd DIST., Chairman of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING SITING OF PERSONAL COMMUNICATION SERVICES TOWERS IN RESIDENTIAL AREAS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 (NEW) The zoning commission of a municipality  
2 may require an applicant proposing the location in  
3 a residential area of an antenna for personal  
4 communication services, as defined in 47 CFR 24.5,  
5 to provide detailed analysis of the site which  
6 shall include an evaluation of alternative sites.  
7 An application shall be approved only if it is  
8 consistent with zoning regulations and federal  
9 law, including the Telecommunications Act of 1996,  
10 and is compatible with existing residential  
11 development.

12 STATEMENT OF LEGISLATIVE COMMISSIONERS: The term  
13 "personal communication system" was changed to  
14 "personal communication services" for consistency  
15 with federal law and "residential location" was  
16 changed to "location in a residential area" for  
17 clarity.

18 PD COMMITTEE VOTE: YEA 19 NAY 0 JFS-LCO

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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**FISCAL IMPACT STATEMENT - BILL NUMBER SB 386**

STATE IMPACT                      None, see explanation below

MUNICIPAL IMPACT                None, see explanation below

STATE AGENCY(S)                None

**EXPLANATION OF ESTIMATES:**

Passage of this bill will have no state or municipal fiscal impact. The Connecticut Siting Council does not have the statutory authority to site personal communication system (PCS) antennas and thus there is no impact to the agency. This bill allows municipal zoning commissions to require a detailed analysis of a potential site from persons seeking to site a PCS antenna in a residential area. Municipalities will incur no costs related to this bill.

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**OLR BILL ANALYSIS**

SB 386

**AN ACT CONCERNING SITING OF PERSONAL COMMUNICATION SERVICES TOWERS IN RESIDENTIAL AREAS**

**SUMMARY:** This bill allows a municipal zoning commission to require a person seeking to site a personal communication system (PCS) antenna in a residential area to provide a detailed analysis of the site. The analysis must include an evaluation of alternative sites. (PCS is an alternative to cellular telephone services.) To be approved the application must be

consistent with zoning regulations and federal law and must be compatible with existing residential development.

EFFECTIVE DATE: October 1, 1998

## **BACKGROUND**

### **Related Federal Law**

The Telecommunications Act of 1996 allows municipalities or states to regulate the siting of facilities providing PCS and related services subject to the following conditions:

1. the regulation cannot unreasonably discriminate among providers of equivalent services;
2. the regulation cannot have the effect of zoning out such services;
3. the government must act on an application within a reasonable period of time, taking into account the scope of the application;
4. any denial must be supported by a written record; and
5. the municipality or state cannot regulate the facility on the basis of its radio frequency emissions if it complies with Federal Communications Commission regulations.

In Connecticut, the siting of PCS facilities is regulated by municipalities while cellular facilities are regulated by the Connecticut Siting Council.

## **COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Report  
Yea 19    Nay 0